(3)

CFWOP

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 2003 /2003

PETITIONER : Rishiraj Singh s/o Shri Murli Singh aged37 years, Lab Assistant, Regional Office, Chhattisgarh Environment Conservation Board, Korba, r/o EWS 53, Maharana Pratap Nagar, Korba (C.G.).

vs.

RESPONDENTS :

R1. Chhattisgarh Environment Conservation Board, through its Secretary, Nanak Bhawan, Near Central Bank, Civil Lines, Raipur (CG).

R2. Chairman, Chhattisgarh Environment Conservation Board, Raipur (CG).

R3. Chief Engineer, Chhattisgarh Environment Conservation Board, Raipur (CG).

R4. Regional Officer, Regional Office, Chhattisgarh Environment Conservation Board, HIG-21,22, Maharana Pratap Nagar(Extension), Korba (CG).

R5. Secretary, Department of Environment, Govt.of Chhattisgarh, D.K.S. Bhawan, Raipur (CG).

R6. The Collector, Korba, district Korba (CG).

R7. M.P.Pollution Control Board through its Member Secretary, E-5, Paryavaran Parisar, Arera Colony, Bhopal (M.P.).

P. R. No. 1361/03
Presented by Shri Praveen Singh
dated 26.6.03

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT INTHE NATURE OF MANDAMUS, CERTIORARY, ETC., DIRECTION OR DIRECTIONS

....

209

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

WRIT PETITION NO. 2003 OF 2003

Petitioner : **Rishiraj Singh**

Versus

Respondents : **Chhattisgarh Environment Conservation Board & others**

O R D E R
(Dated 2nd August, 2006)

Post for 2-8-2006

Sd/-
Satish K. Agnihotri
Judge

210

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

WRIT PETITION NO. 2003 OF 2003

Petitioner : Rishiraj Singh

Versus

Respondents : Chhattisgarh Environment Conservation Board & others

---

Shri Ranbir Singh Marhas, counsel for the petitioner.

Shri Sanjay K. Agrawal, counsel for the respondents No. 1 to 4.

Shri V.V.S. Moorthy, Deputy Advocate General for the State/ respondents No.5 & 6.

O R D E R

(Dated 2nd August, 2006)

1. The petitioner was initially appointed by order dated 7-7-1994 (Annexure-P/1) for a period of 30 days at Collector's rate, not in accordance with law. Thereafter the appointment of the petitioner continued by various orders as daily wager. On 21-4-1997 (Annexure-P/3) one more appointment order was passed appointing the petitioner on contract basis for a period of 30 days. The petitioner's services was thereafter discontinued in the month of June, 2002.

2. The petitioner has filed this petition seeking a direction that he be taken back in service and the respondents be directed to regularize his services.

3. On perusal of the papers, it is found that the appointment of the petitioner was not in accordance with law and as per constitutional scheme of employment. There was no invitation to the public for making application for appointment to the said post. The petitioner was chosen without any

advertisement or without calling his name from the Employment Exchange. It is, therefore, held that the appointment of the petitioner on daily wages first and thereafter on contract basis is in violation of the constitutional scheme enshrined under Articles 14 & 16 of the Constitution of India and the same is void in law.

4. A constitutional bench of the Hon'ble Supreme Court in the case of **Secretary, State of Karnataka & others Vs. Umadevi (3) and others {(2006) 4 SCC 1}** clearly held that absorption, regularization, or permanent continuance of temporary, contractual, casual, daily-wage or ad hoc employees appointed/recruited and continued for long in public employment dehors the constitutional scheme of public employment create another mode of public employment which is not permissible. In the present case, the petitioner is daily wager and is not appointed in accordance with law and as per the constitutional scheme of the public employment. Thus, he does not acquire any right for regularization.

5. For the reasons stated above, this petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gowri